

How can someone go to bed at night with a clear conscience, knowing that somewhere in Australia there's someone that's dying... in their darkest hour?

What are the rules for [nominating](#) someone for an Australian of the Year award?

Each year our nation celebrates the achievement and contribution of eminent Australians through the Australian of the Year Awards by profiling leading citizens who are role models for us all. They inspire us through their achievements and challenge us to make our own contribution to creating a better Australia.

The main criteria suggested by the Australian of the Year Committee are:

- Demonstrated excellence in their field
- Significant contribution to the Australian community and nation
- An inspirational role model for the Australian community.

Dr Benjamin Koh, a man who does not court publicity, meets those criteria in spades. He has certainly demonstrated [excellence](#) with advanced degrees and continuing studies in several fields including: law, medicine and sport, even finding time to volunteer as a Bondi lifesaver. Dr Koh was, until recently, [Chief Medical Officer](#) (CMO) of CommInsure, the insurance arm of CommBank.

But has he made a significant contribution? Yes, standing up for sick and dying people, he has had the courage to blow the whistle on unethical behaviour in one of Australia's largest insurance companies – CommInsure.

Is he an inspirational model? Yes, Dr Koh had the courage to put at risk a lucrative and prestigious career, because he felt that CommInsure was putting "profit above people".

In a devastating documentary on [Four Corners](#) this week, Adele Ferguson, highlighted Dr Koh's courage in raising what he saw as unethical practices

“Taking on the CommBank can be career-destroying, as Dr Koh discovered. In August 2015 he was summoned to a meeting with CommInsure's CEO, Helen Troup. Koh was sacked. The key reason given for his dismissal was that Koh had breached CommBank's policies by forwarding work files to his personal email account - an action he took because he was afraid files would go missing.”

There was plenty of evidence for suspicion on Dr Koh's part. In the case of James Kessel, one of the insurance claimants highlighted in the Four Corners documentary, whose heart attack just happened to be the 'wrong sort', Dr Koh was startled to discover that part of Kessel's file had gone missing.

But it was not just Mr Kessel's and others' files that had been altered. Pressure to change medical opinions appeared to be part of business as usual at the insurer. Claims managers or assessors were coming to CommInsure's, supposedly independent, medical doctors and asking them to go into systems and to change their opinions

“They were quite blatant about it: Can you please change it or delete it, so that we can go to someone else to provide another opinion that's more favourable?”

Following CommInsure's whistleblowing protection rules, Dr Koh first raised these issues with CommInsure executives and then the board but after being stonewalled on both fronts, he went to the CommBank board, still nothing happened.

As in the case of [Jeff Morris](#) and the earlier financial planning scandal, this is another example of CommBank tossing a whistleblower under the bus.

CommBank makes [great play](#) of its whistleblowing policy, which has a snappy name -

SpeakUp:

“Our Whistleblower protection policy and procedures ensure that reports are treated appropriately and that the employee raising the concern is protected. The Whistleblower protection policy reinforces the message from the Group’s senior management and Board that those making a disclosure can trust the matter will be dealt with honestly, professionally and confidentially.”

However, after (personally) apologising to everyone he could think of, Ian Narev, CEO of CommBank, made the point that his hands were somewhat tied on what he could actually do regarding CommInsure. Even though CommBank is Australian, we certainly do not want the CEO of any huge conglomerate putting undue pressure on independent financial subsidiaries regulated in Australia. We could lose control of our banking system, if we go down that road.

So who *should* be taking this up with CommInsure? APRA.

CommInsure is in part a life insurance company, interestingly under the old name of The Colonial Mutual Life Assurance Society Limited (CMLA), and is subject to prudential regulation by APRA.

In his [first speech](#) as APRA Member for Insurance, Geoff Summerhayes placed particular emphasis on “risk-based supervision over a rules driven approach”, quoting a Canadian regulator about APRA’s role in supervising institutions:

“It is about the questions we ask, what we say to institutions, how we say it, the type of information we request, the people we ask to meet, how we deal with push back, what we do when we go on-site or otherwise deal with an institution, the extent to which we tick boxes or think about the core risks and how they are being managed.”

And APRA is pretty strong on whistleblowing as part of “robust governance and risk

management arrangements”. In its policy on “Fit and Proper”, CPS 520, APRA states

“The Fit and Proper Policy must require that any provisions of the Policy, and of the Prudential Acts, encouraging whistleblowing are adequately communicated to directors and employees of the regulated institution and its subsidiaries who are likely to have information relevant to fit and proper assessments.”

Obviously, some of CommBank’s managers were not in full agreement with APRA.

Nor can the superannuation industry stand on the sidelines. Four Corners revealed that some of those who were refused a payout on their insurance policies were members of super funds that used CommInsure as their provider of income protection insurance. The boards of these funds must consider whether CommInsure has fulfilled the spirit of the contracts signed with the funds and their members. Members’ funds are being used to pay insurance policies that may not be honoured when they most need them.

And the Australian Medical Association (AMA) must step up too. If trained medical professional are being pressured to change their honest opinions, they need defending.

As part of his professional role and consistent with his ethical standards as a medical practitioner, Dr Benjamin Koh has raised valid concerns about the unethical treatment of sick and dying customers by CommInsure. These concerns have been recognised by CommBank as they settled long running cases, after Adele Ferguson brought them to the public’s attention. Yet Dr Koh has been sidelined, despite following the proper processes for raising such issues.

Nationals Senator John Williams has [called](#) for a Royal Commission to “clean the [financial services] industry up”. He added that the treatment of whistleblowers had been a disgrace, and “when people do the right thing they should be protected”.

Dr Koh is certainly an inspiring role model for Australian, especially young adults coming into the workforce. Maybe Australian of the Year next year is too much to expect (possibly later in

Dr Benjamin Koh – Australian of the Year 2017?

Written by The Conversation

his career), but recognition in some form must surely be justified? And Jeff Morris should not be forgotten either.

Update:

Since this article was published, Dr Koh has [filed](#) an unfair dismissal claim against CommInsure. CommBank has alleged that

Dr Koh's employment was not terminated for raising concerns. It was terminated primarily for serious and repeated breaches of customers' privacy and trust involving highly sensitive personal, medical and financial information over a lengthy period of time

A date for the trial has yet to be set.

Read more <http://theconversation.com/dr-benjamin-koh-australian-of-the-year-2017-56012>